

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRUCE WEED, ET AL.,
Plaintiffs,

v.

ALLY FINANCIAL INC.,
Defendant.

CIVIL ACTION

NO. 11-2808

FILED
AUG 26 2011
By Dep. Clerk

ORDER

AND NOW, this 15th day of August, 2011, upon consideration of Plaintiffs' Motion to Strike Defendant's Reply (Doc. 23) and Defendant's Response in Opposition thereto (Doc. 24), **IT IS HEREBY ORDERED AND DECREED** that the Motion is **DENIED**.¹

IT IS FURTHER ORDERED that upon consideration of Plaintiffs' Motion to Strike Defendant's Reply (Doc. 26), **IT IS HEREBY ORDERED AND DECREED** that the Motion is **DENIED**.

IT IS FURTHER ORDERED that upon consideration of Defendant's Motion to Dismiss (Doc. 12), Plaintiffs' Response in Opposition thereto (Doc. 21), and Defendant's Reply (Doc. 25), **IT IS HEREBY ORDERED AND DECREED** that the Motion is **GRANTED in part and DENIED in part** as follows:

1. As to Plaintiff Weed Chevrolet's claim in Count II for tortious interference with contractual relations, Defendant's Motion to Dismiss is **DENIED**;
2. As to all Plaintiff's claim in Count III for fraud, Defendant's Motion to Dismiss is **DENIED**;

¹ The parties are reminded that reply briefs are generally not helpful and are discouraged by the Court. Going forward, any party desiring to file a reply brief should seek leave of court in advance of filing.

3. As to all Plaintiffs' claim in Count IV for negligent misrepresentation, Defendant's Motion to Dismiss is **GRANTED**; and
4. As to Plaintiffs' demand for punitive damages, Defendant's Motion to Dismiss is **DENIED**.

IT IS FURTHER ORDERED that Plaintiffs may seek punitive damages only as it relates to Plaintiffs' tort claims

BY THE COURT:

A handwritten signature in cursive script, reading "Petrese B. Tucker", is written over a horizontal line.

Hon. Petrese B. Tucker, U.S.D.J.